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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

EBAY INC., Plaintiff, v. DIGITAL POINT SOLUTIONS, INC., SHAWN HOGAN, KESSLER'S FLYING CIRCUS, THUNDERWOOD HOLDINGS, INC., TODD DUNNING, DUNNING ENTERPRISE, INC., BRIAN DUNNING, BRIANDUNNING.COM, and DOES 1-20, Defendants.	Case No. C 08-04052 JF **[PROPOSED] ORDER DENYING THE MOTIONS TO DISMISS THE FIRST AMENDED COMPLAINT BY DEFENDANTS DIGITAL POINT SOLUTIONS, INC. AND SHAWN HOGAN; THUNDERWOOD HOLDINGS, INC., BRIAN DUNNING, AND BRIANDUNNING.COM; TODD DUNNING AND DUNNING ENTERPRISE, INC.; AND KESSLER'S FLYING CIRCUS** Hearing Date: December 12, 2008 Time: 9:00 a.m. Judge: Hon. Jeremy Fogel

The four Motions to Dismiss Plaintiff's First Amended Complaint, filed on behalf of Defendants Digital Point Solutions, Inc. and Shawn Hogan; Thunderwood Holdings, Inc., Brian Dunning, and BrianDunning.com; Todd Dunning and Dunning Enterprise, Inc.; and Kessler's Flying Circus ("Defendants"), were heard by the Court on December 12, 2008. Upon consideration of the papers submitted and the arguments of counsel, and for good cause shown, the Court hereby DENIES the Defendants' motions in their entirety.

SO ORDERED.

DATED: ____________________

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The Honorable Jeremy Fogel
United States District Judge

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